



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM

SAND AND GRAVEL EXCAVATION PLAN – 10 CSR 40-10.020(2)(D)4

PERMIT NUMBER
0991

SITE NAME OR NUMBER
Brushy Creek Site No. 1

Commercial operations that conduct sand and/or gravel removal within the stream banks must comply with the following regulations that were adopted by the Land Reclamation Commission on Sept. 30, 2004, and can be found at 10 CSR 40-10.050(14). The following regulations are designed to protect water quality while allowing for the excavation of sand and gravel from riparian environments. Upon request of the applicant, the program may establish site specific variances to address conditions that may occur at individual locations. To file a request for a variance on one or more of the requirements itemized below, mark the box "Yes" associated with the variance and then complete a Request for Variance on page two of this form. Otherwise, there shall be no variance from the itemized requirement.

PERFORMANCE REQUIREMENTS

1. Excavation of sand or gravel deposits shall be limited to deposits in unconsolidated areas containing primarily smaller material (at least 85 percent of the material is less than three inches in diameter) that is loosely packed and contains no woody perennial vegetation greater than 1 ½ inches in diameter when measured at breast height of 4 ½ feet.
Variance Requested ☐ Yes
2. An undisturbed buffer of 10 foot width shall be left between the excavation area and the water's edge of the flowing stream at the time of excavation. A buffer zone of adequate width to protect the bank integrity should be left between the excavation area and the base of the high bank.
Variance Requested ☐ Yes
3. An undisturbed buffer of 25 feet wide shall be maintained in an undisturbed condition landward of the high bank for the length of the gravel removal site. Disturbed areas in this riparian zone shall be limited to maintained access road(s) for ingress and egress only. No clearing within this riparian area is authorized in association with work authorized by this permit.
No Variance Available
4. Sand or gravel shall not be excavated below water elevation at the time of removal, except:
 - A. If the stream is dry at the time of excavation, excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom adjacent to the site. Upon request of the applicant, the excavation depth restrictions may be modified if the staff director determines that a variance would not significantly impact the stream resource.
 - B. For wet stream reaches, the excavation depth restriction may be modified if it is determined by the staff director that a variance would not significantly impact the stream resource based on the presence of bedrock to prevent head cutting, excessive bedload, gravel rich areas or any other appropriate reason.
Variance Requested ☒ Yes
5. Stream channels shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified. A stream channel is defined as that area between the high banks of the creek where water is flowing, or in the case of a dry stream, where water would flow after a rain event.
No Variance Available
6. Within 30 days of the removal of excavation equipment from the site, streambank areas disturbed by the removal operation, shall be revegetated or otherwise protected from erosion. For long term operations (longer than 30 days), or for sites that will be periodically revisited as gravel is deposited, access points shall be appropriately constructed and maintained such that stream banks and access roads are designed and constructed to minimize erosion.
Variance Requested ☐ Yes
7. Any aggregate, fines, or oversized material removed from the site shall be placed beyond the high bank, on a non-wetland site that has been approved by the landowner. No material, including oversized material, that results from excavation activity may be stockpiled or otherwise placed into the flowing water or placed against streambanks as bank stabilization unless specifically authorized by a state or federal permit.
Variance Requested ☐ Yes
8. All sand or gravel washing, gravel crushing, and gravel sorting shall be conducted beyond the high bank, in a non-wetland area and away from areas that frequently flood, such that gravel, silt, and wash water that is warm, stagnant, or contains silty material cannot enter the stream or any wetland.
No Variance Available

9. Vehicles and other equipment shall be limited to removal sites and existing crossings. Water shall be crossed as perpendicular to the direction of the stream flow as possible.

Variance Requested ☐ Yes

10. Fuel, oil and other wastes and equipment containing such wastes shall not be stored or released at any location between the high banks or in a manner that would enter the stream channel. Such materials shall be disposed of at authorized locations.

No Variance Available

11. Outstanding Resource Waters (10 CSR 20.7.031)

A. In-stream sand and gravel operations are prohibited from those waters listed as "Outstanding National Resource Waters."

B. In-stream sand and gravel operations are prohibited from those segments of "Outstanding State Resource Waters" owned or managed by a state or federal agency.

C. All other applications for in-stream sand and gravel operations on "Outstanding State Resource Waters" shall be reviewed individually to determine if specific conditions are necessary to preserve these stream reaches during mining activity. These individual reviews would assist the applicant on focusing on issues of specific concern. The individual review shall include a site visit by Department of Natural Resources staff prior to permit issuance, and annual site inspection by Department of Natural Resources staff during the life of the permit.

No Variance Available Is mining location in an Outstanding State Resource Water? ☐ Yes ☒ No

REQUEST FOR VARIANCE

In accordance with 10 SCR 40-10.050(14)(B), I hereby apply for a variance from the Sand and Gravel Excavation Plan as it applies to the mine site location submitted with this application on grounds that literal compliance with the Sand and Gravel Excavation Plan is impracticable in my case.

The department's Land Reclamation Program may, in its discretion, grant the application for variance based on submitted information with or without a site visit. The person requesting the variance should therefore include all relevant information with the application. For each variance requested, state in detail the reasons why compliance with the Sand and Gravel Excavation Plan is impracticable.

Requested Variance Information

SITE NAME

Brushy Creek Site #1

VARIANCE ITEM NUMBER

4

SPECIFY BASIS/JUSTIFICATION FOR THE VARIANCE

The section of Brushy Creek and further up-stream has a solid bedrock channel approximately one foot below the gravel layer. Similarly, all the smaller streams and tributaries that flow into Brushy Creek up-stream of the sand and gravel excavation area also have a solid bedrock channel. We believe that because there is a solid bedrock channel up-stream of the extraction area there will be no chance of headcutting erosion to occur.

FOR DEPARTMENT USE ONLY

VARIANCE APPROVED BY

DATE

Requested Variance Information

SITE NAME

VARIANCE ITEM NUMBER

SPECIFY BASIS/JUSTIFICATION FOR THE VARIANCE

FOR DEPARTMENT USE ONLY

VARIANCE APPROVED BY

DATE

SIGNATURE AND NOTARIZATION REQUIRED FOR ALL APPLICANTS

By my signature, I attest to the following:

1. All statements made in this Sand and Gravel Excavation Plan are correct, complete and true to the best of my knowledge.
2. I, or the company I am authorized to represent, intend(s) to protect the stream environment and remove sand and gravel in accordance with these requirements, and in accordance with the Land Reclamation Act Sections 444.760 through 444.790, RSMo (Supp. 2001), and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operation.
3. I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and his authorized representatives, and I grant such access, and further where I have no right to grant such access, I have attached signed affidavits from the landowners granting such access.

SIGNATURE OF APPLICANT

TITLE

DATE

Appeared before me this _____ day of _____, 20____, to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSEER SEAL

STATE

COUNTY (OR CITY OF ST. LOUIS)

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

20

NOTARY PUBLIC SIGNATURE

MY COMMISSION EXPIRES

RUBBER STAMP CLEAR AREA BELOW

NOTARY PUBLIC NAME (TYPED OR PRINTED)

FOR DEPARTMENT USE ONLY

The Land Reclamation Program shall consult with the appropriate agencies as to the presence of state and federal threatened and endangered species in the stream reach in order to avoid jeopardizing the species' continued existence or destroying or adversely modifying the habitat of such species.

CONSULTED WITH (DEPARTMENT/NAME)

SPECIES OF CONCERN

ACTION REQUIRED FOR SPECIES PROTECTION

APPROVED BY

DATE APPROVED

VARIANCE ITEM NUMBERS APPROVED

VARIANCE ITEM NUMBERS DENIED